

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.4505 OF 2005

IN

FIRST APPEAL NO.1890 OF 2005

1. The Executive Engineer, MSEB

and anr. .. Applicants.

Vs

1.Nutan Popat Mane, .. Respondent.

Ms. A.R.S.Baxi, for the applicants.

Mr Uday Warunjikar, for the respondent.

CORAM : SMT RANJANA DESAI & D.B.BHOSALE, JJ.

DATE : 06.02.06.

PC:

1. Heard the learned counsel for the parties.

2. The applicants-MSEB have filed this civil application for stay of execution of the proceedings in Spl. Execution Application No.81 of 2005 arising out of the judgment and decree dated 21.2.2005 passed by the Civil Judge, Sr.Dn, Sangli. Our attention is drawn to the order dated 17.10.2005 passed by this Court in this application. By that order, the applicants were directed to deposit the decretal amount in the trial Court. Out of that amount, a sum of Rs.four lacs was

directed to be invested in the RBI bonds and the interest therefrom is to be given to the respondent every six months. The remaining amount was ordered to lie with the trial Court until further orders are passed on this civil application. We are informed by the learned counsel for the applicants that accordingly the entire decretal amount is deposited in the trial Court. Out of that, Rs.four lacs are invested in the RBI bonds. We are sure that when interest accrues after six months, that would be given to the claimant as directed by this Court. In so far as the remaining amount is concerned, we are of the opinion that the claimant should be allowed to withdraw a sum of Rs.two lacs out of the said amount on her furnishing security to the satisfaction of the trial Court in that behalf. Order accordingly.

3. Needless to state that the appropriate orders regarding rest of the amount would be passed after the newly added respondents appear in this Court pursuant to the notice issued to them on Civil Application No.485 of 2006. Place Civil Application No.485 of 2005 on board after four weeks.

4. Subject to the above, the stay granted in this civil application is confirmed and the civil application is, accordingly, disposed of.

(D.B.BHOSALE, J.)

(SMT.RANJANA DESAI, J.)